



DUNEDIN CHURCH LANDS ORDINANCE.

SESSION XII. No. 53.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

(LOCAL AND PERSONAL. No. 1.)

ANALYSIS:

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AN ORDINANCE to Transfer the Management and Administration of certain Lands in the Town of Dunedin, from the Superintendent of Otago to the Presbyterian Church of Otago, and to authorise the Leasing and Mortgaging of said Lands, and to direct the appropriation of the Funds arising therefrom.

WHEREAS, by Crown Grant, bearing date the 28th day of June, 1858, all that Allotment or parcel of Land, in the Province of Otago, in the Colony of New Zealand, containing by admeasurement two roods and thirty-two perches (2 R. 32 P.) more or less, being the Reserve numbered ten (10) on the Plan of the Town of Dunedin; bounded on the North-west by Princes-street, three hundred and fifty (350) links; on the North-east by the Jetty road, two hundred and sixty (260) links; on the South-east by the Harbour of Dunedin, four hundred (400) links; and on the South-west by a Government Reserve, one hundred and eighteen (118) links, was granted to the Superintendent of the Province of Otago and his successors, upon trust, as a site for a Manse, at Dunedin, in the said Province, for a Minister of the Presbyterian Church of Otago; and by Crown Grant, bearing date the 28th day of June, 1858, all that allotment or parcel of Land in the Province of Otago, in the Colony of New Zealand, containing by admeasurement two roods and twenty-five perches (2 R. 25 P.) more or less, being the Reserve numbered five (5) on the Plan of the Town of Dunedin, bounded on the North by Dowling-street, two hundred and forty (240) links; on the East by the Harbour of Dunedin, three hundred and sixty-five (365) links; on the South by High-street, one hundred and ten (110) links;

on the South South-west by section forty-eight (48) block nine (9) Dunedin, seventy-five (75) links ; and on the West by sections fifty-three (53,) fifty-four (54,) and fifty-five (55,) block nine (9,) Dunedin, three hundred and seventy (370) links, was granted to the Superintendent of the Province of Otago and his successors, upon trust, for a site for a Church and Schoolhouse in connection with the Presbyterian Church of Otago ; and by Crown Grant, bearing date the 28th day of June, 1858, all that Allotment or parcel of Land in the Province of Otago, in the Colony of New Zealand, containing by admeasurement four acres three roods and five perches (4 A. 3 R. 5 P.) more or less, being the Reserve numbered four (4) on the Plan of the Town of Dunedin, bounded on the North-west by Moray-place, seven hundred and four links and one tenth and four hundredths of a link (704 1 4) ; on the North-east by sections thirteen (13), fourteen (14), and twenty-two (22), block fifteen (15), Dunedin, three hundred and eighty (380) links ; on the North by section thirteen (13) block fifteen (15) Dunedin, two hundred and thirty-five links (235) ; on the South-east by the Harbour of Dunedin, one thousand and seventy-five links (1075) ; on the West by section eleven (11) block fifteen (15) Dunedin, two hundred and three (203) links ; and on the South-west by sections six (6), ten (10), and eleven (11,) block fifteen (15), Dunedin, three hundred and eighty links (380), was granted to the Superintendent of the said Province of Otago and his successors, upon trust, as a site for the first or principal church of the Presbyterian Church of Otago : AND WHEREAS it is expedient, by virtue of the provisions of the "Public Reserves Act, 1854," to transfer the management and administration of the aforesaid Lands from the Superintendent of the said Province to the Presbyterian Church of Otago, in manner hereinafter mentioned, and also to authorise the Leasing and Mortgaging of the aforesaid Lands, in manner hereinafter mentioned ; and also to provide for the due appropriation of the rents, issues, and proceeds arising from the aforesaid Lands, and from the Mortgage or Leasing thereof, in conformity with the spirit and intention of the trusts of the said Lands, in manner hereinafter provided.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows :—

Management and Administration vested in Presbytery of Otago.

1. From and after the passing of this Ordinance, the management and administration of the aforesaid several pieces or parcels of Land shall be vested in the Presbyterian Church of Otago.

Power to Lease

2. It shall be lawful for the Superintendent of the said Province upon a request in writing addressed to him by any person duly authorised in that behalf by the highest Church Court for the time being, of the said Church, to demise and lease, by deed signed by him and sealed with the public seal of the Province, the aforesaid Lands, or such part thereof as the said Presbyterian Church of Otago shall request, for any term not exceeding 21 years from the

date of such lease, to such person or persons, at such rental, either annual or in one sum, and upon such terms, conditions, covenants, and agreements as the said Presbyterian Church of Otago shall specify.

3. It shall be lawful for the Superintendent of the said Province, upon a request in writing, as aforesaid, to Mortgage by deed, signed and sealed as aforesaid, the aforesaid Lands or such part thereof as the said Presbyterian Church of Otago shall request, for any sum not exceeding the amount of 7 years' annual rental at which the said Lands so mortgaged shall then be let, and that either by conveyance by way of mortgage, lease, or assignment of any term or terms of lease granted; provided always that in no such mortgage shall there be contained or implied on behalf of the mortgagee, his heirs, executors, administrators, or assigns, any power of sale of the freehold estate of or in the said Lands; but only, that on default in payment of the principal sum or interest secured by such mortgage, the mortgagee, his executors, administrators, or assigns, may enter into possession and draw the rents, issues, and profits of the Lands mortgaged until the monies secured to him or them shall be fully satisfied and paid. Power to Mortgage.

4. All the rents, issues, profits, and proceeds arising from the pieces or parcels of Land first and third hereinbefore mentioned and described, and from the mortgage or other disposition thereof, shall be paid to the Treasurer for the time being of the aforesaid Presbyterian Church of Otago; and the clear proceeds, after deduction of the costs of collection and other necessary expenses, shall and may from time to time be applied by the said Presbyterian Church of Otago to the following purposes, viz., first, towards the erection of a Church and Manse on the aforesaid piece or parcel of land third hereinbefore described, and thereafter towards the erection and repair of any Church or Manse in connection with the said Presbyterian Church of Otago; and the whole rents, issues, profits, and proceeds arising from the aforesaid piece or parcel of Land second hereinbefore described, shall be applied towards the erection and maintenance of a College or other Educational Institution in Dunedin, and until so applied shall be invested in real or Government securities for accumulation, in name of the Superintendent of the said Province in trust for the aforesaid purpose. Application of Proceeds.

5. The Treasurer of the aforesaid Presbyterian Church of Otago shall annually, on the 30th day of September, account to the Provincial Treasurer of the said Province of Otago for all sums received and paid by him during the preceding year, out of the proceeds of the aforesaid properties; and such account shall be published in the Provincial Government Gazette, along with the annual provincial account. Publication of Accounts.

Short Title.

6. This Ordinance shall be termed and may be cited and referred to as the "Dunedin Church Lands Ordinance 1861."

Passed the Provincial Council this 5th day of July, 1861.

ALEX. RENNIE,

Speaker.

ROBT. CHAPMAN,

Clerk of Council.

Dunedin, 6th July, 1861.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

J. L. C. RICHARDSON,

Superintendent of the Province of Otago.

I hereby Assent to this Ordinance this Second day of August, in the year of our Lord One Thousand Eight Hundred and Sixty-one.

T. GORE BROWNE,

Governor.